

**PUBLIC WORKS/SAFETY COMMITTEE REPORT 13-16**  
**CITY OF WILLMAR**  
**TUESDAY, OCTOBER 15, 2013**

A meeting of the Public Works/Safety Committee was called to order at 4:45 p.m. on Tuesday, October 15, 2013, by Chairman Ron Christianson at the City Office Building. Members present were: Council Members Audrey Nelsen, Bruce DeBlieck, and Steve Ahmann. Also present were: Mayor Frank Yanish; Council Member Jim Dokken; Bruce Peterson, Planning and Development Services Director; Dave Wyffels, Police Chief; Gary Hendrickson, Fire Chief; Tom Anderson and Sam Weeks, City Prosecuting Attorneys; David Little, "West Central Tribune," and Janell Sommers, Recording Secretary.

**1. PUBLIC COMMENT:**

There were no public comments.

**2. FIRE DEPARTMENT UPDATE (FOR INFORMATION ONLY):**

Fire Chief Hendrickson gave a brief update on recent fire department calls. To date there have been 225 calls and between four and one half and five million dollars in property damages.

**3. BNSF AGREEMENT:**

The City is in receipt of the BNSF Grade Crossing Construction and Maintenance Agreement for the proposed Willmar Avenue Quiet Zone. The agreement is very similar to the one completed for the Trott Avenue Crossing. An additional \$2,000.00 for administrative costs is requested for payment at this time in addition to the \$15,000.00 easement previously authorized. The project can still be constructed this year with exception of the signals. A motion was made by Council Member Ahmann, seconded by Council Member DeBlieck, and passed for the following

**RECOMMENDATION:**

To approve the Willmar Avenue Grade Crossing Agreement with BNSF and authorize the City Administrator to execute the same. (Resolution)

**4. DANGEROUS ANIMAL ORDINANCE PROPOSAL:**

Police Chief Wyffels presented a proposed Dangerous Animals Ordinance for consideration by the committee. State Statute does address dangerous animals, although it does not allow due process for the owner. Attorneys Tom Anderson and Sam Weeks, both representing the City, were in attendance to address questions of the committee. The proposed ordinance addresses the City's need to allow a procedure to declare an animal as "potentially dangerous" or as a "dangerous animal." It also designates and defines the "animal control authority" for the City. These deficiencies prevent the Willmar Police, City Prosecutor and the District Court from taking the action necessary to protect the public from animals that would otherwise be deemed to be potentially dangerous or dangerous under Minnesota Statute Chapter 347.

Once an animal is deemed potentially dangerous, the animal control authority shall notify the owner(s) of the animal in writing or in person of that distinction and the specifics of what is required by the owner. If there are subsequent offenses or the owner fails to comply with the conditions imposed by the animal control authority or this committee, the animal must be seized. The owner then has 14 days to request a hearing. If they do not, the Willmar Public Works and Public Safety Committee may order the animal destroyed. If the owner is found not to have violated the conditions, they may reclaim the animal. If an animal is deemed as a dangerous animal, it shall be seized and the same procedures would apply.

The committee discussed the proposed ordinance at length and a motion was made by Council Member Ahmann, seconded by Council Member Nelsen, and passed for the following

**RECOMMENDATION:**

Introduce the Dangerous Animal Ordinance for hearing. (Motion)

**5. DANGEROUS WEAPONS ORDINANCE AMENDMENT:**

This item was brought back to committee for further review and revisions. Chief Wyffels and City Attorney Robert Scott were directed to prepare an amendment to the dangerous weapons ordinance using language similar to an ordinance currently in place in Hutchinson, MN. The proposal only allows the discharge of bows and arrows in authorized physical education programs in a school under supervision of a faculty member, at a community-wide supervised class authorized by the Chief or Police, or at bow and arrow range specifically established and so designated by the City Council. A motion was made by Council Member DeBlick, seconded by Council Member Nelsen to approve the

ordinance amendment as presented. The committee discussed the proposal and determined it excluded the use of bow and arrows on approved waterways with retractable arrows. Council Member Nelsen then withdrew her second to the motion and staff was directed to revise the ordinance amendment to allow such activity. This matter was for information only.

**6. OLD BUSINESS:**

Chief Wyffels reported the jail census at 85 and the report of calls for the last two weeks at 795.

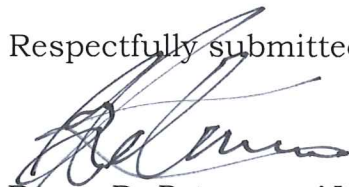
**7. NEW BUSINESS:**

Council Member DeBlieck questioned the traffic control over the First Street Bridge and was informed by staff that it was set up in error and would be removed the following day. DeBlieck also informed the committee that the wind turbines remain inoperable and that WMU continues to be in contact the installer.

Council Member Ahmann brought the issue of storm water drainage at 309 SW 9<sup>th</sup> Street before the committee. On the adjacent property, a house was demolished and replaced by a parking lot whereby the owner believes the storm water runoff was altered. Staff explained the situation and noted the property owners are making changes to help resolve the issue.

There being no further business to come before the committee, the meeting adjourned at 5:47 p.m.

Respectfully submitted:



Bruce D. Peterson, AICP  
Director of Planning & Development Services

Janell Sommers  
Recording Secretary